

[\*Mullenix v. Tennessee Valley Authority\*](#), 91-ERA-18 (Sec'y Apr. 19, 1991)

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U.S. DEPARTMENT OF LABOR

SECRETARY OF LABOR  
WASHINGTON, D.C.

DATE: April 19, 1991  
CASE NO. 91-ERA-18

IN THE MATTER OF

JAMES B. MULLENIX,  
COMPLAINANT,

v.

TENNESSEE VALLEY AUTHORITY,  
RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

DECISION AND ORDER APPROVING  
SETTLEMENT

Before me for review is the Recommended Order of Dismissal (R.O.) of Administrative Law Judge (ALJ) Lawrence E. Gray, issued on March 6, 1991, granting a Joint Motion for Dismissal filed in the above captioned case arising under the employee protection provision of the Energy Reorganization Act of 1974, as amended (ERA), 42 U.S.C. § 5851 (1982). Finding the terms of the settlement agreement entered into by the parties to be fair and consistent with applicable law, the ALJ recommended approval of the agreement and granting of the Joint Motion of Dismissal submitted on March 4, 1991.

Review of the "Conciliation Agreement" entered into by the parties reveals that it may encompass the settlement of matters arising under various laws, only one of which is the ERA. For the reasons set forth in *Poulos v. Ambassador Fuel Oil Co., Inc.*,

Case No. 86-CAA-1, Sec. Order, November 2, 1987, slip op. at 2, I have limited my review of the agreement to determining whether its terms are a fair, adequate and reasonable settlement of Complainant's allegations that Respondent violated the ERA.

The "Conciliation Agreement," dated February 13, 1991, has been carefully reviewed and I find that the terms are fair, adequate and reasonable. Accordingly, I accept the ALJ's recommendation to dismiss the complaint with prejudice, as requested by the parties.

The complaint in this case is dismissed with prejudice.

SO ORDERED.

LYNN MARTIN  
Secretary of Labor

Washington, D.C.